

§ 2106. Veterans' Mortgage Life Insurance

(a) The United States shall automatically insure any eligible veteran who is or has been granted assistance in securing a suitable housing unit under this chapter against the death of the veteran unless the veteran (1) submits to the Secretary in writing the veterans' election not to be insured under this section, or (2) fails to respond in a timely manner to a request from the Secretary for information on which the premium for such insurance can be based.

(b) The amount of insurance provided a veteran under this section may not exceed the lesser of \$90,000 or the amount of the loan outstanding on the housing unit. The amount of such insurance shall be reduced according to the amortization schedule of the loan and may not at any time exceed the amount of the outstanding loan with interest. If there is no outstanding loan on the housing unit, insurance is not payable under this section. If an eligible veteran elects not to be insured under this section, the veteran may thereafter be insured under this section, but only upon submission of an application, payment of required premiums, and compliance with such health requirements and other terms and conditions as may be prescribed by the Secretary.

(c) The premiums charged a veteran for insurance under this section shall be paid at such time and in such manner as the Secretary prescribes. The rates for such premiums shall be based on such mortality data as the Secretary considers appropriate to cover only the mortality cost of insuring standard lives. In the case of a veteran receiving compensation or other cash benefits paid to the veteran by the Secretary, the Secretary shall deduct from such compensation or other benefits the premiums charged the veteran under this section.

(d)(1) The United States shall bear the costs of insurance under this section to the extent that such costs exceed premiums established by the Secretary. Premiums collected on insurance under this section shall be credited to the "Veterans Insurance and Indemnities" appropriation account, and all disbursements of insurance proceeds under this section shall be made from that account.

(2) There are authorized to be appropriated to the Secretary for such account such amounts as may be necessary to carry out this section.

(e) Any amount of insurance in force under this section on the date of the death of an eligible veteran insured under this section shall be paid to the holder of the mortgage loan, for payment of which the insurance was granted, for credit on the loan indebtedness. Any liability of the United States under such insurance shall be satisfied when such payment is made. If the Secretary is the holder of the mortgage loan, the insurance proceeds shall be credited to the loan indebtedness and, as appropriate, deposited in either the direct loan or loan guaranty revolving fund established by section 3723 or 3724 of this title, respectively.

(f) The Secretary may prescribe such regulations relating to eligibility for insurance under this section, the maximum amount of insurance, the effective date of insurance, the maxi-

mum duration of insurance, and other pertinent matters not specifically provided for in this section as the Secretary determines are in the best interest of veterans or the United States.

(g) The amount of the insurance in force at any time shall be the amount necessary to pay the mortgage indebtedness in full, except as otherwise limited by subsection (b) of this section or regulations prescribed by the Secretary under this section.

(h) The Secretary shall issue to each veteran insured under this section a certificate setting forth the benefits to which the veteran is entitled under the insurance.

(i) Insurance under this section shall terminate upon whichever of the following events first occurs:

(1) Satisfaction of the veteran's indebtedness under the loan upon which the insurance is based.

(2) The veteran's seventieth birthday.

(3) Termination of the veteran's ownership of the property securing the loan.

(4) Discontinuance of payment of premiums by the veteran.

(j) Termination of life insurance under this section shall not affect the guaranty or insurance of the loan by the Secretary.

(Added Pub. L. 92-95, § 1, Aug. 11, 1971, 85 Stat. 320, § 806; amended Pub. L. 94-433, title III, § 302, Sept. 30, 1976, 90 Stat. 1377; Pub. L. 99-576, title VII, § 701(49), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 100-322, title III, § 333(a)(1), May 20, 1988, 102 Stat. 537; renumbered § 2106 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-568, title II, § 204(a), Oct. 29, 1992, 106 Stat. 4325.)

Notes

Additional notes relating to this renumbered section are set out in the main edition under predecessor section 806 of this title.

AMENDMENTS

1992—Subsec. (b). Pub. L. 102-568 struck out "initial" after "The" and substituted "\$90,000" for "\$40,000".

1991—Pub. L. 102-83, § 5(a), renumbered section 806 of this title as this section.

Subsecs. (a) to (d). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (e). Pub. L. 102-83, § 5(c)(1), substituted "3723 or 3724" for "1823 or 1824".

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsecs. (f) to (h), (j). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-568 effective Dec. 1, 1992, see section 205 of Pub. L. 102-568, set out as an Effective Date note under section 1922A of this title.

CHAPTER 23—BURIAL BENEFITS

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Sec.

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 2306. Headstones, markers, and grave liners.
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AMENDMENTS

1991—Pub. L. 102-83, § 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 901 to 908 as 2301 to 2308, respectively.

Pub. L. 102-83, § 4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404, substituted "Department" for "Veterans' Administration" in item 903.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 107, 1315, 1503 of this title; title 10 section 1490; title 26 section 6334.

§ 2301. Flags

(a) The Secretary shall furnish a flag to drape the casket of each—

(1) deceased veteran who—

(A) was a veteran of any war, or of service after January 31, 1955;

(B) had served at least one enlistment; or

(C) had been discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty; and

(2) deceased individual who at the time of death was entitled to retired pay under chapter 67 of title 10 or would have been entitled to retired pay under that chapter but for the fact that the person was under 60 years of age.

(b) After the burial of the veteran the flag so furnished shall be given to the veteran's next of kin. If no claim is made for the flag by the next of kin, it may be given, upon request, to a close friend or associate of the deceased veteran. If a flag is given to a close friend or associate of the deceased veteran, no flag shall be given to any other person on account of the death of such veteran.

(c) For the purpose of this section, the term "Mexican border period" as defined in paragraph (30) of section 101 of this title includes the period beginning on January 1, 1911, and ending on May 8, 1916.

(d) In the case of any person who died while in the active military, naval, or air service after May 27, 1941, the Secretary shall furnish a flag to the next of kin, or to such other person as the Secretary considers most appropriate, if such next of kin or other person is not otherwise entitled to receive a flag under this section or under section 1482(a) of title 10.

(e) The Secretary shall furnish a flag to drape the casket of each deceased person who is buried in a national cemetery by virtue of eligibility for burial in such cemetery under section 2402(6) of this title. After the burial, the flag shall be given to the next of kin or to such other person as the Secretary considers appropriate.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1169, § 901; Pub. L. 87-240, Sept. 14, 1961, 75 Stat.

512; Pub. L. 89-358, § 9, Mar. 3, 1966, 80 Stat. 28; Pub. L. 90-77, title IV, § 402, Aug. 31, 1967, 81 Stat. 190; Pub. L. 91-588, § 9(g), Dec. 24, 1970, 84 Stat. 1585; Pub. L. 97-306, title IV, § 402(a), Oct. 14, 1982, 96 Stat. 1442; Pub. L. 99-576, title VII, § 701(50), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 101-237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; Pub. L. 102-54, § 14(b)(20), June 13, 1991, 105 Stat. 284; renumbered § 2301 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-547, § 11(a), Oct. 28, 1992, 106 Stat. 3644.)

Notes

Additional notes relating to this renumbered section are set out in the main edition under predecessor section 901 of this title.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-547 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The Secretary shall furnish a flag to drape the casket of each deceased veteran who—

"(1) was a veteran of any war, or of service after January 31, 1955;

"(2) had served at least one enlistment; or

"(3) had been discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty."

1991—Pub. L. 102-83, § 5(a), renumbered section 901 of this title as this section.

Subsec. (d). Pub. L. 102-54 substituted "considers" for "deems", struck out comma after "this section", and struck out ", United States Code" after "title 10".

Subsec. (e). Pub. L. 102-83, § 5(c)(1), substituted "2402(6)" for "1002(6)".

1989—Subsecs. (a), (d), (e). Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 113 of this title.

§ 2302. Funeral expenses

(a) In the case of a deceased veteran—

(1) who at the time of death was in receipt of compensation (or but for the receipt of retirement pay would have been entitled to compensation) or was in receipt of pension, or

(2) who was a veteran of any war or was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, whose body is held by a State (or a political subdivision of a State), and with respect to whom the Secretary determines—

(A) that there is no next of kin or other person claiming the body of the deceased veteran, and

(B) that there are not available sufficient resources to cover burial and funeral expenses,

the Secretary, in the Secretary's discretion, having due regard to the circumstances in each case, may pay a sum not exceeding \$300 to such person as the Secretary prescribes to cover the burial and funeral expenses of the deceased veteran and the expense of preparing the body and transporting it to the place of burial. For the purpose of this subsection, the term "veteran" includes a person who died during a period

deemed to be active military, naval, or air service under section 106(c) of this title.

(b) Except as hereafter provided in this subsection, no deduction shall be made from the burial allowance because of the veteran's net assets at the time of the death of such veteran, or because of any contribution from any source toward the burial and funeral expenses (including transportation) unless the amount of expenses incurred is covered by the amount actually paid therefor by the United States, a State, any agency or political subdivision of the United States or of a State, or the employer of the deceased veteran. No claim shall be allowed (1) for more than the difference between the entire amount of the expenses incurred and the amount paid by any or all of the foregoing, or (2) when the burial allowance would revert to the funds of a public or private organization or would discharge such an organization's obligation without payment. The burial allowance or any part thereof shall not be paid in any case where specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other Act.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1169, § 902; Pub. L. 88-359, July 7, 1964, 78 Stat. 296; Pub. L. 89-360, Mar. 7, 1966, 80 Stat. 29; Pub. L. 95-476, title II, § 203(b), Oct. 18, 1978, 92 Stat. 1506; Pub. L. 95-479, title III, § 303(a), Oct. 18, 1978, 92 Stat. 1565; Pub. L. 97-35, title XX, § 2001(a)(1), Aug. 13, 1981, 95 Stat. 781; Pub. L. 97-306, title IV, § 403(a), Oct. 14, 1982, 96 Stat. 1443; Pub. L. 101-237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2302, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

Notes

Additional notes relating to this renumbered section are set out in the main edition under predecessor section 902 of this title.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 902 of this title as this section.

1989—Subsec. (a), Pub. L. 101-237 substituted "Secretary" and "Secretaries" for "Administrator" and "Administrators", respectively, wherever appearing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 2303, 2304, 2307, 2308 of this title; title 50 App. section 461.

§ 2303. Death in Department facility; plot allowance

(a) When a veteran dies in a Department facility (as defined in section 1701(4) of this title) to which the deceased was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title or in an institution at which the deceased veteran was receiving hospital care in accordance with section 1703 of this title or nursing home care under section 1720 of this title at the expense of the United States at the time of death, the Secretary—

(1) shall pay the actual cost (not to exceed \$300) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Department; and

(2) shall, when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

(b) In addition to the benefits provided for under section 2302 of this title and subsection (a) of this section, in the case of a veteran who is eligible for a burial allowance under such section 2302, or under such subsection, who was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or who is a veteran of any war and who is not buried in a national cemetery or other cemetery under the jurisdiction of the United States—

(1) if such veteran is buried (without charge for the cost of a plot or interment) in a cemetery, or a section of a cemetery, that (A) is used solely for the interment of persons eligible for burial in a national cemetery, and (B) is owned by a State or by an agency or political subdivision of a State, the Secretary shall pay to such State, agency, or political subdivision the sum of \$150 as a plot or interment allowance for such veteran; and

(2) if such veteran (other than a veteran whose eligibility for benefits under this subsection is based on being a veteran of any war) is buried in a cemetery, or a section of a cemetery, other than as described in clause (1) of this subsection, the Secretary shall pay a sum not exceeding \$150 as a plot or interment allowance to such person as the Secretary prescribes, except that if any part of the plot or interment costs of a burial to which this clause applies has been paid or assumed by a State, an agency or political subdivision of a State, or a former employer of the deceased veteran, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid or assumed by any or all of the foregoing entities.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1170, § 903; Pub. L. 86-70, § 29(a), June 25, 1959, 73 Stat. 148; Pub. L. 86-624, § 25(b), July 12, 1960, 74 Stat. 418; Pub. L. 87-99, July 21, 1961, 75 Stat. 218; Pub. L. 89-358, § 4(i), Mar. 3, 1966, 80 Stat. 24; Pub. L. 93-43, § 5(a)(1), June 18, 1973, 87 Stat. 80; Pub. L. 94-581, title II, § 204, Oct. 21, 1976, 90 Stat. 2856; Pub. L. 95-476, title II, § 202(a), Oct. 18, 1978, 92 Stat. 1503; Pub. L. 95-479, title III, § 303(a), Oct. 18, 1978, 92 Stat. 1565; Pub. L. 97-35, title XX, § 2001(b), Aug. 13, 1981, 95 Stat. 781; Pub. L. 97-306, title IV, § 404(a), Oct. 14, 1982, 96 Stat. 1443; Pub. L. 99-272, title XIX, § 19012(c)(4), Apr. 7, 1986, 100 Stat. 382; Pub. L. 101-237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; Pub. L. 101-508, title VIII, § 8042(a), Nov. 5, 1990, 104 Stat. 1388-349; renumbered § 2303 and amended Pub. L. 102-83, §§ 4(a)(3), (4), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

Notes

Additional notes relating to this renumbered section are set out in the main edition under predecessor section 903 of this title.

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 903 of this title as this section.

Pub. L. 102-83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in section catchline.

Subsec. (a), Pub. L. 102-83, § 5(c)(1), substituted "1701(4)" for "601(4)", "1710 or 1711(a)" for "610 or 611(a)", "1703" for "603", and "1720" for "620" in introductory provisions.

Pub. L. 102-83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in introductory provisions and in par. (1).

Subsec. (b), Pub. L. 102-83, § 5(c)(1), substituted "2302" for "902" in two places in introductory provisions.

1990—Subsec. (b)(2), Pub. L. 101-508 inserted "(other than a veteran whose eligibility for benefits under this subsection is based on being a veteran of any war)" after "if such veteran".

1989—Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 8042(b) of Pub. L. 101-508 provided that: "This section [amending this section] shall apply to deaths occurring on or after November 1, 1990."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 2307 of this title.

§ 2304. Claims for reimbursement

Applications for payments under section 2302 of this title must be filed within two years after the burial of the veteran. If the burial allowance was not payable at the death of the veteran because of the nature of the veteran's discharge from the service, but after the veteran's death the veteran's discharge has been corrected by competent authority so as to reflect a discharge from the service under conditions other than dishonorable, then the burial allowance may be paid if a claim is filed within two years from the date of correction of the discharge. If a claimant's application is incomplete at the time it is originally submitted, the Secretary shall notify the applicant of the evidence necessary to complete the application. If such evidence is not received within one year from the date of such notification, no allowance may be paid.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1170, § 904; Pub. L. 88-3, Apr. 2, 1963, 77 Stat. 4; Pub. L. 91-24, § 7, June 11, 1969, 83 Stat. 34; Pub. L. 99-576, title VII, § 701(51), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 101-237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2304 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

Notes

Additional notes relating to this renumbered section are set out in the main edition under predecessor section 904 of this title.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 904 of this title as this section and substituted "2302" for "902".

1989—Pub. L. 101-237 substituted "Secretary" for "Administrator".

§ 2305. Persons eligible under prior law

The death of any person who had a status which would, under the laws in effect on December 31, 1957, afford entitlement to the burial benefits and other benefits provided for in this chapter, but who did not meet the service requirements contained in this chapter, shall afford entitlement to such benefits, notwithstanding the failure of such person to meet such service requirements.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1170, § 905; renumbered § 2305, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 905 of this title as this section.

§ 2306. Headstones, markers, and grave liners

(a) The Secretary shall furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

(1) Any individual buried in a national cemetery or in a post cemetery.

(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 2402(4), (5), and (6) of this title.

(3) Soldiers of the Union and Confederate Armies of the Civil War.

(4) Any individual described in section 2402(5) of this title who is buried in a veterans' cemetery owned by a State.

(5) Any individual who at the time of death was entitled to retired pay under chapter 67 of title 10 or would have been entitled to retired pay under that chapter but for the fact that the person was under 60 years of age.

(b) The Secretary shall furnish, when requested, an appropriate memorial headstone or marker for the purpose of commemorating any veteran—

(1) whose remains have not been recovered or identified,

(2) whose remains were buried at sea, whether by the veteran's own choice or otherwise,

(3) whose remains were donated to science, or

(4) whose remains were cremated and the ashes scattered without interment of any portion of the ashes,

for placement by the applicant in a national cemetery area reserved for such purpose under the provisions of section 2403 of this title or in a State, local, or private cemetery.

(c) A headstone or marker furnished under subsection (a) or (b) of this section may be of any material, including but not limited to marble, granite, bronze, or slate, requested by the person entitled to request such headstone or marker if the material requested is determined by the Secretary (1) to be cost effective, and (2) in a case in which the headstone or marker is to be placed in a national cemetery, to be aesthetically compatible with the area of the cemetery in which it is to be placed.

(d)(1) The Secretary of Veterans Affairs shall provide a grave liner for each new grave in an open cemetery within the National Cemetery System in which remains are interred in a casket. The Secretary of the Army may provide a grave liner for such a grave in the Arlington National Cemetery.

(2) The use of grave liners in a cemetery within the National Cemetery System or in the Arlington National Cemetery shall be in accordance with specifications and procedures approved by the Secretary of Veterans Affairs or Secretary of the Army, respectively.

(Added Pub. L. 93-43, § 5(a)(2), June 18, 1973, 87 Stat. 80, § 906; amended Pub. L. 95-476, title II, § 203(a), Oct. 18, 1978, 92 Stat. 1505; Pub. L. 95-479, title III, § 303(b), Oct. 18, 1978, 92 Stat. 1565; Pub. L. 96-385, title V, § 502, Oct. 7, 1980, 94 Stat. 1534; Pub. L. 97-66, title VI, § 603(a), Oct. 17, 1981, 95 Stat. 1034; Pub. L. 100-322, title III, § 344(a), (b)(1), May 20, 1988, 102 Stat. 540; Pub. L. 101-237, title III, § 313(b)(1), (3), title V, §§ 501, 504(a), Dec. 18, 1989, 103 Stat. 2077, 2093, 2094; Pub. L. 101-508, title VIII, § 8041(a), Nov. 5, 1990, 104 Stat. 1388-349; renumbered § 2306 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-547, § 11(b), Oct. 28, 1992, 106 Stat. 3644.)

Notes

Additional notes relating to this renumbered section are set out in the main edition under predecessor section 906 of this title.

AMENDMENTS

1992—Subsec. (a)(5). Pub. L. 102-547 added par. (5).
1991—Pub. L. 102-83, § 5(a), renumbered section 906 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 5(c)(1), substituted "2402(4)" for "1002(4)" in par. (2) and "2402(5)" for "1002(5)" in par. (4).

Subsec. (b). Pub. L. 102-83, § 5(c)(1), substituted "2403" for "1003" in concluding provisions.

1990—Subsecs. (d), (e). Pub. L. 101-508 redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows: "In lieu of furnishing a headstone or marker under subsection (a)(2) or (b) of this section, the Secretary, in the Secretary's discretion, having due regard for the circumstances in each case, may reimburse the person entitled to request such headstone or marker for the cost of acquiring a non-Government headstone or marker for placement in any cemetery other than a national cemetery in connection with the burial or memorialization of the deceased individual. The cost referred to in the preceding sentence is the cost actually incurred by or on behalf of such person or the cost prepaid by the deceased individual, as the case may be. Reimbursement under this subsection may be made only upon the request of the person entitled to request the headstone or marker and may not be made in an amount in excess of the average actual cost, as determined by the Secretary, of headstones and markers furnished under subsections (a) and (b) of this section."

1989—Subsecs. (a) to (c). Pub. L. 101-237, § 313(b)(1), substituted "Secretary" for "Administrator".

Subsec. (d). Pub. L. 101-237, § 501, substituted "cost of acquiring" for "actual costs incurred by or on behalf of such person in acquiring" in first sentence, inserted after first sentence "The cost referred to in the preceding sentence is the cost actually incurred by or on behalf of such person or the cost prepaid by the deceased individual, as the case may be.", and substituted "this subsection" for "the preceding sentence" in last sentence.

Pub. L. 101-237, § 313(b)(1), substituted "Secretary" and "Secretary's" for "Administrator" and "Administrators", respectively, wherever appearing.

Subsec. (e)(1). Pub. L. 101-237, § 504(a), inserted first sentence and struck out former first sentence which read as follows: "The Secretary may provide a grave liner for any grave in a cemetery within the National Cemetery System in which remains are interred in a casket."

Pub. L. 101-237, § 313(b)(1), substituted "Secretary may provide" for "Administrator may provide".

Subsec. (e)(2). Pub. L. 101-237, § 313(b)(3), substituted "Secretary of Veterans Affairs or Secretary of the Army" for "Administrator or the Secretary".

EFFECTIVE DATE OF 1990 AMENDMENT

Section 8041(b) of Pub. L. 101-508 provided that: "This section [amending this section] shall apply to deaths occurring on or after November 1, 1990."

EFFECTIVE DATE OF 1989 AMENDMENT

Section 504(b) of Pub. L. 101-237 provided that: "The amendment made by subsection (a) [amending this section] shall apply to interments that occur after January 1, 1990."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 113 of this title.

§ 2307. Death from service-connected disability

In any case in which a veteran dies as the result of a service-connected disability or disabilities, the Secretary, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding the greater of (1) \$1,500, or (2) the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty. Funeral and burial benefits provided under this section shall be in lieu of any benefits authorized under sections 2302 and 2303(a)(1) and (b) of this title.

(Added Pub. L. 93-43, § 5(a)(2), June 18, 1973, 87 Stat. 80, § 907; amended Pub. L. 95-479, title III, § 303(c), Oct. 18, 1978, 92 Stat. 1565; Pub. L. 100-322, title III, § 303, May 20, 1988, 102 Stat. 534; Pub. L. 101-237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2307 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

Notes

Additional notes relating to this renumbered section are set out in the main edition under predecessor section 907 of this title.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 907 of this title as this section and substituted "2302 and 2303(a)(1)" for "902 and 903(a)(1)".

1989—Pub. L. 101-237 substituted "Secretary" for "Administrator".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 2308 of this title; title 2 section 905.

§ 2308. Transportation of deceased veteran to a national cemetery

Where a veteran dies as the result of a service-connected disability, or is in receipt of (but for the receipt of retirement pay or pension under this title would have been entitled to) disability compensation, the Secretary may pay, in addition to any amount paid pursuant to section 2302 or 2307 of this title, the cost of transportation of the deceased veteran for burial in a national cemetery. Such payment shall not exceed the cost of transportation to the national cemetery nearest the veteran's last place of residence in which burial space is available.

(Added Pub. L. 94-433, title III, § 304(a), Sept. 30, 1976, 90 Stat. 1377, § 908; amended Pub. L. 101-237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2308 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

Notes

Additional notes relating to this renumbered section are set out in the main edition under predecessor section 908 of this title.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 908 of this title as this section and substituted "2302 or 2307" for "902 or 907".

1989—Pub. L. 101-237 substituted "Secretary" for "Administrator".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 113 of this title.

CHAPTER 24—NATIONAL CEMETERIES AND MEMORIALS

Sec.	
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AMENDMENTS

1991—Pub. L. 102-83, § 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1000 to 1010 as 2400 to 2410, respectively.

1989—Pub. L. 101-237, title V, § 502(b), Dec. 18, 1989, 103 Stat. 2093, added item 1010.

1986—Pub. L. 99-576, title IV, § 413(b), Oct. 28, 1986, 100 Stat. 3284, added item 1009.

1978—Pub. L. 95-476, title II, § 202(b)(2), Oct. 18, 1978, 92 Stat. 1505, added item 1008.

§ 2400. Establishment of National Cemetery System; composition of such system; appointment of director

(a) There shall be within the Department a National Cemetery System for the interment of deceased servicemembers and veterans. Such system shall be headed by the Director of the National Cemetery System, who shall perform such functions as may be assigned by the Secretary.

(b) The National Cemetery System shall consist of—

(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973;

(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

(3) any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, or later acquired or developed by the Secretary.

(Added Pub. L. 93-43, § 2(a), June 18, 1973, 87 Stat. 75, § 1000; amended Pub. L. 99-576, title VII, § 701(52), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 100-527, § 13(1), Oct. 25, 1988, 102 Stat. 2644; Pub. L. 101-237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2400 and amended Pub. L. 102-83, §§ 4(a)(3), (4), 5(a), Aug. 6, 1991, 105 Stat. 404, 406.)

Notes

Additional notes relating to this renumbered section are set out in the main edition under predecessor section 1000 of this title.

REFERENCES IN TEXT

The National Cemeteries Act of 1973, referred to in subsec. (b)(1), (3), is Pub. L. 93-43, June 18, 1973, 87 Stat. 75, as amended, which is classified principally to this chapter (§ 2400 et seq.). For complete classification of this Act to the Code, see section 1 of Pub. L. 93-43 set out as a Short Title of 1973 Amendment note under section 101 of this title and Tables.

For national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973, and any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, referred to in subsec. (b)(1), (3), see Transfer of Functions note set out under section 2404 of this title.

The date of enactment of this chapter, referred to in subsec. (b)(2), is the date of enactment of Pub. L. 93-43, which was approved June 18, 1973.

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 1000 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration".

1989—Subsec. (b)(3). Pub. L. 101-237 substituted "Secretary" for "Administrator".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 307 of this title.